

### SUBCHAPTER III—TRIBAL ECONOMIC DEVELOPMENT

#### § 1851. Grants authorized

##### (a) General authority

The Secretary is authorized, subject to the availability of appropriations, to make grants to tribally controlled community colleges which receive grants under either this chapter or the Navajo Community College Act [25 U.S.C. 640a et seq.] for the establishment and support of tribal economic development and education institutes. Each program conducted with assistance under a grant under this subsection shall include at least the following activities:

(1) Determination of the economic development needs and potential of the Indian tribes involved in the program, including agriculture and natural resources needs.

(2) Development of consistent courses of instruction to prepare postsecondary students, tribal officials and others to meet the needs defined under paragraph (1). The development of such courses may be coordinated with secondary institutions to the extent practicable.

(3) The conduct of vocational courses, including administrative expenses and student support services.

(4) Technical assistance and training to Federal, tribal and community officials and business managers and planners deemed necessary by the institution to enable full implementation of, and benefits to be derived from, the program developed under paragraph (1).

(5) Clearinghouse activities encouraging the coordination of, and providing a point for the coordination of, all vocational activities (and academically related training) serving all students of the Indian tribe involved in the grant.

(6) The evaluation of such grants and their effect on the needs developed under paragraph (1) and tribal economic self-sufficiency.

##### (b) Amount and duration

The grants shall be of such amount and duration as to afford the greatest opportunity for success and the generation of relevant data.

##### (c) Applications

Institutions which receive funds under other subchapters of this chapter or the Navajo Community College Act [25 U.S.C. 640a et seq.] may apply for grants under this subchapter either individually or as consortia. Each applicant shall act in cooperation with an Indian tribe or tribes in developing and implementing a grant under this subchapter.<sup>1</sup>

(Pub. L. 95-471, title IV, §402, as added Pub. L. 101-392, title III, §312, Sept. 25, 1990, 104 Stat. 804.)

#### REFERENCES IN TEXT

The Navajo Community College Act, referred to in subsecs. (a) and (c), is Pub. L. 92-189, Dec. 15, 1971, 85 Stat. 646, as amended, which is classified to section 640a et seq. of this title. For complete classification of this Act to the Code, see Short Title note set out under section 640a of this title and Tables.

This subchapter, referred to at the end of subsec. (c), was in the original "this part" and was translated as

reading "this title" to reflect the probable intent of Congress because title IV of Pub. L. 95-471, which comprises this subchapter, does not contain parts.

#### EFFECTIVE DATE

Subchapter effective July 1, 1991, see section 702(a) of Pub. L. 101-392, set out as an Effective Date of 1990 Amendment note under section 2301 of Title 20, Education.

#### SHORT TITLE

For short title of title IV of Pub. L. 95-471, which enacted this subchapter, as the "Tribal Economic Development and Technology Related Education Assistance Act of 1990", see section 401 of Pub. L. 95-471, set out as a Short Title of 1990 Amendment note under section 1801 of this title.

#### § 1852. Authorization of appropriations

There are authorized to be appropriated for grants under this subchapter, \$2,000,000 for fiscal year 1993 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(Pub. L. 95-471, title IV, §403, as added Pub. L. 101-392, title III, §312, Sept. 25, 1990, 104 Stat. 805; amended Pub. L. 102-325, title XIII, §1301(c), July 23, 1992, 106 Stat. 797.)

#### AMENDMENTS

1992—Pub. L. 102-325 amended section generally, substituting provisions authorizing appropriations for fiscal years 1993 to 1997 for provisions authorizing appropriations for fiscal years 1991 to 1996.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-325 effective Oct. 1, 1992, see section 2 of Pub. L. 102-325, set out as a note under section 1001 of Title 20, Education.

### CHAPTER 21—INDIAN CHILD WELFARE

Sec.

1901. Congressional findings.

1902.

Congressional declaration of policy.

1903.

Definitions.

#### SUBCHAPTER I—CHILD CUSTODY PROCEEDINGS

1911. Indian tribe jurisdiction over Indian child custody proceedings.

(a) Exclusive jurisdiction.

(b) Transfer of proceedings; declination by tribal court.

(c) State court proceedings; intervention.

(d) Full faith and credit to public acts, records, and judicial proceedings of Indian tribes.

1912. Pending court proceedings.

(a) Notice; time for commencement of proceedings; additional time for preparation.

(b) Appointment of counsel.

(c) Examination of reports or other documents.

(d) Remedial services and rehabilitative programs; preventive measures.

(e) Foster care placement orders; evidence; determination of damage to child.

(f) Parental rights termination orders; evidence; determination of damage to child.

1913. Parental rights; voluntary termination.

(a) Consent; record; certification matters; invalid consents.

(b) Foster care placement; withdrawal of consent.

(c) Voluntary termination of parental rights or adoptive placement; withdrawal of consent; return of custody.

<sup>1</sup> See References in Text note below.

- Sec.
- (d) Collateral attack; vacation of decree and return of custody; limitations.
1914. Petition to court of competent jurisdiction to invalidate action upon showing of certain violations.
1915. Placement of Indian children.
- (a) Adoptive placements; preferences.
- (b) Foster care or preadoptive placements; criteria; preferences.
- (c) Tribal resolution for different order of preference; personal preference considered; anonymity in application of preferences.
- (d) Social and cultural standards applicable.
- (e) Record of placement; availability.
1916. Return of custody.
- (a) Petition; best interests of child.
- (b) Removal from foster care home; placement procedure.
1917. Tribal affiliation information and other information for protection of rights from tribal relationship; application of subject of adoptive placement; disclosure by court.
1918. Reassumption of jurisdiction over child custody proceedings.
- (a) Petition; suitable plan; approval by Secretary.
- (b) Criteria applicable to consideration by Secretary; partial retrocession.
- (c) Approval of petition; publication in Federal Register; notice; reassumption period; correction of causes for disapproval.
- (d) Pending actions or proceedings unaffected.
1919. Agreements between States and Indian tribes.
- (a) Subject coverage.
- (b) Revocation; notice; actions or proceedings unaffected.
1920. Improper removal of child from custody; declaration of jurisdiction; forthwith return of child; danger exception.
1921. Higher State or Federal standard applicable to protect rights of parent or Indian custodian of Indian child.
1922. Emergency removal or placement of child; termination; appropriate action.
1923. Effective date.

#### SUBCHAPTER II—INDIAN CHILD AND FAMILY PROGRAMS

1931. Grants for on or near reservation programs and child welfare codes.
- (a) Statement of purpose; scope of programs.
- (b) Non-Federal matching funds for related Social Security or other Federal financial assistance programs; assistance for such programs unaffected; State licensing or approval for qualification for assistance under federally assisted program.
1932. Grants for off-reservation programs for additional services.
1933. Funds for on and off reservation programs.
- (a) Appropriated funds for similar programs of Department of Health and Human Services; appropriation in advance for payments.
- (b) Appropriation authorization under section 13 of this title.
1934. "Indian" defined for certain purposes.

#### SUBCHAPTER III—RECORDKEEPING, INFORMATION AVAILABILITY, AND TIMETABLES

1951. Information availability to and disclosure by Secretary.
- (a) Copy of final decree or order; other information; anonymity affidavit; exemption from Freedom of Information Act.

- Sec.
- (b) Disclosure of information for enrollment of Indian child in tribe or for determination of member rights or benefits; certification of entitlement to enrollment.

1952. Rules and regulations.

#### SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

1961. Locally convenient day schools.
- (a) Sense of Congress.
- (b) Report to Congress; contents, etc.
1962. Copies to States.
1963. Severability.

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 941h, 1300j-7, 1653, 1727 of this title; title 42 section 5115a.

### § 1901. Congressional findings

Recognizing the special relationship between the United States and the Indian tribes and their members and the Federal responsibility to Indian people, the Congress finds—

(1) that clause 3, section 8, article I of the United States Constitution provides that "The Congress shall have Power \* \* \* To regulate Commerce \* \* \* with Indian tribes<sup>1</sup>" and, through this and other constitutional authority, Congress has plenary power over Indian affairs;

(2) that Congress, through statutes, treaties, and the general course of dealing with Indian tribes, has assumed the responsibility for the protection and preservation of Indian tribes and their resources;

(3) that there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children and that the United States has a direct interest, as trustee, in protecting Indian children who are members of or are eligible for membership in an Indian tribe;

(4) that an alarmingly high percentage of Indian families are broken up by the removal, often unwarranted, of their children from them by nontribal public and private agencies and that an alarmingly high percentage of such children are placed in non-Indian foster and adoptive homes and institutions; and

(5) that the States, exercising their recognized jurisdiction over Indian child custody proceedings through administrative and judicial bodies, have often failed to recognize the essential tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families.

(Pub. L. 95-608, § 2, Nov. 8, 1978, 92 Stat. 3069.)

#### SHORT TITLE

Section 1 of Pub. L. 95-608 provided: "That this Act [enacting this chapter] may be cited as the 'Indian Child Welfare Act of 1978'."

### § 1902. Congressional declaration of policy

The Congress hereby declares that it is the policy of this Nation to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal

<sup>1</sup> So in original. Probably should be capitalized.